IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Smt. Shanti Devi & Others Vs. State of Rajasthan & Others
(D.B. Civil Special Appeal No.44/1995)

D. B. Civil Special Appeal under Sec.18 of the Rajasthan High Court Ordinance against the order dated 26-10-1994 in SB Civil Writ Petition No.4663/1994.

Date of Judgment: January 11, 2007.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA
HON'BLE MR. JUSTICE R.S.CHAUHAN

Mr. J.K.Yadav, for the appellant.

Mr. M.L.Goyal, Addl. Govt. Advocate, for the State.

BY THE COURT: (Oral)

Challenge in the instant appeal is to the order dated October 26, 1994 whereby learned Single Judge held that the order of recovery passed against late Ramavtar was valid and legal.

2. Contextual facts depict that Ramavtar, who was working on the post of Manager Laxmangarh Prahad Bahu Sahkari Samiti Ltd., was served with an order dated September 18, 1979 for recovery of a sum of Rs.1,57,018.50 and Rs.500/-. On appeal before Additional Registrar the matter was remanded and was considered by Joint Registrar, who vide order dated My 26, 1992 upheld the order of recovery. Thereafter in revision petition the State Government upheld the order of recovery and directed that the amount be deposited within a period of three months failing which interest at the rate of 18% will be payable from the date of notice.

3. During pendency of the proceeding Ramavtar died, therefore his legal heirs preferred the writ petition on the ground that the respondents should have proved the guilt of the employee in a criminal case. Learned Single Judge did not agree with the submissions and dismissed the writ petition.

4. Having heard learned counsel for the parties, we find that the respondents had examined the matter from all angels after providing due opportunity to the appellants. Since the recovery is to be effected from the property of the deceased, we see no justification in making interference in the orders impugned.

5. For these reasons, we find no merit in the instant appeal and the same stands accordingly dismissed.

(R.S.Chauhan),J. (Shiv Kumar Sharma)J.

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